



## Steve Broach KC

Year of call: 2008 | Silk: 2024

Email: steve.broach@39essex.com

*"He works incredibly hard and works with the most challenging and complex cases. He is a very strong advocate for disabled and vulnerable people."* Chambers and Partners 2024

Steve is a public lawyer with particular expertise in health, education and social care and disability and children's rights cases. He is a discrimination specialist and has acted in many of the leading public law discrimination cases.

Steve is instructed in the High Court and above in applications for judicial review, the Court of Protection for cases involving the Mental Capacity Act 2005 and the First-tier and Upper Tribunals in education and other appeals. He frequently advises clients on safeguarding issues. He is also regularly instructed in civil claims raising human rights and discrimination issues.

Prior to taking Silk in 2024, Steve had already developed a significant leading practice; he was frequently instructed as 'leading junior' in high profile judicial review cases, including challenges to central government policies and decisions.

As a junior, Steve was ranked in four categories by Chambers and Partners, including as a 'Star Individual' for Education and in Band 1 for Administrative and Public Law and Community Care. He was described as 'the Godfather of education law' and 'undoubtedly the go-to barrister for education cases' in Chambers and Partners 2024. He has appeared in many reported cases, including leading Supreme Court cases on disability issues. Steve was named Young Barrister of the Year at the Legal Aid Lawyer of the Year Awards 2011 and 'Future Leader: Diversity & Inclusion' at the Chambers UK Bar Awards 2021.

Steve is co-author of Disabled Children: A Legal Handbook (Legal Action Group) and is an editor of the Community Care Law Reports. He previously worked in the voluntary sector in senior roles relating to disability and children's rights.

## Areas of expertise

Community Care and Mental Health

Consultation

Education

## Consultation

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Steve is a specialist in the complex and evolving law on consultation by public bodies. Many of his cases push the boundaries in this area, for example, in Article 39 the Court of Appeal's judgment established that selective consultation can be unfair, and *Binder v SSWP* is now the leading case on the voluntary assumption of a duty to consult fairly at common law.

#### Cases of note:

- ***R (Article 39) v Secretary of State for Education* [2020] EWCA Civ 1577** - Steve was first junior counsel in this successful challenge to the process by which statutory protections for looked after children were removed by amending regulations in response to the Covid-19 pandemic. The Court of Appeal held that the Secretary of State had acted unlawfully in failing to consult with the Children's Commissioner and the wider sector of children's rights organisations before laying the relevant regulations.
- ***R (Binder and others) v Secretary of State for Work and Pensions* [2022] EWHC 105 (Admin)** - As lead counsel, Steve persuaded Mr Justice Griffiths that the Secretary of State had voluntarily chosen to consult in the run-up to the publication of the National Disability Strategy, but had not done so in accordance with the requirements of fairness at common law. This is now the leading case on the voluntary assumption of a duty to consult fairly.
- ***R (Electronic Manufacturers Association) v Secretary of State for Environment, Food and Rural Affairs* [2019] EWHC 2813 (Admin)** - Steve was instructed as lead counsel in this commercial judicial review, concerning the policy decision to ban the use of electronic pet collars. The judgment of Mr Justice Morris is now frequently cited for its summary of the principles in relation to the law on consultation.

#### Recommendations

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- *"He works incredibly hard and works with the most challenging and complex cases. He is a very strong advocate for disabled and vulnerable people."* Chambers and Partners 2024
- *"He's creative, clever and passionate as well as being a delight to work with."* Chambers and Partners, 2022
- *"He's very accessible to lawyers and the public, and he really feels like part of the team when you're working with him."* Chambers and Partners, 2022
- *"A very talented barrister and one of the hardest-working people at the Bar, full stop."* Chambers and Partners, 2022
- *"He has excellent knowledge of law relating to special educational needs, public law and issues affecting young people generally. He also provides very clear advice and is a good advocate. He's very approachable and excellent at reassuring nervous clients."* Chambers and Partners, 2022
- *"Steve is incredibly good at understanding disability issues."* Chambers and Partners, 2022
- *"Very strong academically and a very good advocate, he's a go-to junior."* Chambers and Partners, 2021
- *"His advice is excellent. He's forceful and his submissions carry weight. He's also good at dealing with clients – he understands their needs and translates them into good outcomes."* Chambers and Partners, 2021
- *"Unbelievably committed and conscientious. Very knowledgeable about special educational needs and the rights of disabled children."* Chambers and Partners, 2021
- *"An excellent advocate, able to clearly present the case to the judge in a measured way and respond to judicial questioning calmly, maintaining a high standard of presentation of the case."* The Legal 500, 2021

## Memberships

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- Administrative Law Bar Association (ALBA)
- Human Rights Lawyers Association (HRLA)
- Equality and Human Rights Commission A Panel of counsel
- Education Law Association (ELAS)
- Barristers with Lived Experience of Mental Illness (BLEMI)

## Qualifications

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### Education

- 2006, University of London, MA Politics
- 2001, University of Edinburgh, MA History

### Scholarships and Prizes

- Future Leader: Diversity & Inclusion, Chambers UK Bar Awards 2021
- Young Legal Aid Barrister, Legal Aid Lawyer of the Year Awards 2011
- Diplock Scholar and Queen Mother's Scholar, Middle Temple.

## Appointments

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- 2019-2023 – Part time judge of the Mental Health Tribunal
- 2021-2023 – Part time judge of the Court of Protection (Deputy District Judge)

## Languages

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- French (Conversational)

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